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South Carolina House of Representatives

# Legislative Update

David H. Wilkins, Speaker of the House

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## WEEK IN REVIEW

### HOUSE

On Tuesday, January 13, members of the 112th General Assembly returned to Columbia to begin work on the second year of the two-year legislative session. Legislators again assembled in their temporary chambers in the Carolina Plaza as the permanent quarters in the State House undergo their final months of renovation.

In the first week of business, the House of Representatives swore in those elected in November of 1997, including twenty-two returning members and one newcomer, the Honorable Jim McGee of District Sixty-Three.

Members approved several changes to the House Rules.

- Rule 1.9 was revised to authorize the Speaker of the House to appoint the chairmen for the standing committees. The chairmen of the House Legislative Ethics Committee and House Committee on Operations and Management continue to be elected by the several members of those committees. The committees retain their authority to elect Vice-Chairmen and other officers. Prior to the rules change, the members of each standing committee were authorized to elect the chairman of the committee.
- Rule 4.16b, pertaining to confidentiality in investigations of possible ethical violations of House members, was revised so as to replace an outdated citation of the South Carolina Code.
- Rule 5.2 was revised so that a member may add his name to a bill or resolution or a co-sponsor may remove his name at any time prior to passage of the measure on second reading. The member must notify the Clerk of the House in writing of his desire to add or remove his name, and the written notification must be printed in the House Journal. The removal or addition of a name does not apply to a bill or resolution sponsored by a committee. Prior to the revision, a member could not add his name once the bill or resolution had received first reading.
- Rule 5.12 was revised so as to remove from the first year of a two-year legislative session a deadline-linking bill consideration to time of introduction. Under the revised rules, only in the second year of a two-year legislative session will a House bill (with certain exceptions) introduced on or after April fifteenth require a two-thirds vote of the members present and voting to be taken up for consideration. Previously, the April fifteenth deadline applied in both years of a General Assembly.

- Rule 5.13 was revised so as to require a financial impact statement to be attached to each committee amendment which substantially changes a bill effecting state spending prior to the second reading of the bill. Previously, this financial impact statement applied only to the bill, itself, and not to committee amendments, for bills effecting state spending.
- Rule 5.19a was revised so as to provide that, where the previous question has been invoked, no member may speak more than twice on a motion to reconsider that is debatable, and then not longer than the amount of time remaining for debate of the underlying motion; provided that proposed amendments announced and introduced by the Reading Clerk shall be considered prior to a member speaking on the bill. Rule 5.19c was revised so as to specify that a question of granting Free Conference Powers shall require an affirmative vote of two-thirds of the membership of the House.
- Rule 6.3(11), which establishes the daily order of business for the House, was revised so as to insert the consideration of vetoes, and the consideration of Senate amendments, in between the consideration of unanimous consent requests and the consideration of local contested bills and joint resolutions on third reading.
- Rule 8.10 was revised so as to specify that it is the Speaker of the House who determines whether a question is logically divisible when a member calls for a question to be divided.
- Rule 8.11a was revised so as to add the granting of free conference powers to the list of nondebatable motions decided by simple majority.
- Rule 8.14a was revised to eliminate an unintended double negative.
- Rule 8.15 was revised to provide that a bill which is continued to the next session cannot be continued to a specific date in the next session.
- Rule 9.2 was revised to permit a committee chairman to offer technical amendments rather than a single technical amendment at the third reading of a bill that has been reported out of his committee.
- Rule 10.3 was revised so as to change the definition of "veto," making clear that a veto may be overridden by a two-thirds vote of the members *present and voting* of each House, rather than a two-thirds vote of the members of each House.
- Rule 10.7 was revised so as to broaden the smoking policy. Previously smoking was prohibited in the Hall of the House of Representatives. As revised, smoking is prohibited in any area under the exclusive control of the House of Representatives unless the area has been designated a "smoking area" by the Speaker.



The House rejected a proposed change for Rule 7.3b which would have shortened from two minutes to one minute the time allotted for members to record their votes during a roll call vote.

Members debated and then recommitted to the Labor, Commerce and Industry Committee H.3792 which requires insurance companies which participate in the state's voluntary market to participate in all appropriate assigned risk mechanisms established by the state.

## SENATE

On Tuesday, January 13, the Senators elected in the general election held on November 4, 1997 were sworn in. The Senate's agenda included organization, highlighted by the selection of committee assignments. On Wednesday, January 14, the Senate began debating a proposal to transfer funds from the State Infrastructure Bank to the Personal Property Tax Relief Fund, which would provide a small tax credit for motor vehicle owners. After debating the proposal Wednesday and Thursday, the Senate adjourned without making a final decision on the plan. Much of the debate concerned the preference the Infrastructure Bank Board will give to projects around the state that have a local funding match.

## GOVERNOR'S EXECUTIVE BUDGET

Governor Beasley submitted his Executive Budget to the General Assembly on January 13, 1998. Highlights include:

1. His refusal to include in the budget the \$61 million from video poker license fees and a statement of his intent to ask the General Assembly to ban video poker.
2. Consideration of budgetary constraints, including \$319.5 million in spending commitments from last year's budget, statutory and constitutional obligations, tax reductions and education and health mandates that are driven by formula, and an additional \$55.2 million earmarked under the Children's Education Endowment, leaving about \$100.5 million for other needs after removing the video poker money. Seventy percent of this money is directed to education funding.
3. An additional \$168 million for K-12 education (includes Education Improvement Act appropriations), \$126 million of which is in recurring funds. \$15 million of this amount is dedicated to putting in place a more rigorous statewide assessment system, which goes along with the higher academic standards that are proposed in the report of the Governor's PASS (Performance and Accountability Standards for Schools) Commission. Also included is additional funding dedicated to giving all students the opportunity to take tests in preparation for the Scholastic Aptitude Test (SAT) or the American College Test (ACT). An additional \$1 million is included to extend the ADEPT program, which promotes excellence in teaching, to second-year teachers. The Governor's Budget fully funds the Education Finance Act, adds an additional \$10 million for the next phase of the school technology initiative, provides an

additional \$18.9 million to fund the third and final year of the phase-in for optional full-day kindergarten, and increases funding for instructional material for schools. Also, this budget begins to build a rotation schedule for new school buses to improve the current fleet, and continues funding for the Governor's School for the Arts and the Governor's School for Science and Mathematics.

4. \$2 million for an expansion of water quality monitoring to test coastal waters.

5. An additional \$45.4 million dollars to fund the second year of the cut for manufacturers' depreciation allowance, a larger income tax cut for senior citizens, and additional funding to maintain the residential property tax reduction.

## HOUSE COMMITTEE ACTION

### AGRICULTURE, NATURAL RESOURCES AND ENVIRONMENTAL AFFAIRS

The House Agriculture, Natural Resources and Environmental Affairs held their first meeting of the session on Tuesday, January 13. Following remarks by Chairman Sharpe, the Honorable D. Leslie Tindal, Commissioner of Agriculture, addressed the Committee. After adjournment, the committee members toured the facilities at the State Farmers Market.

### EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee reported favorably on H.4399, the South Carolina Performance and Accountability Standards for Schools (PASS) Act. A summary of this bill is included in the "Bills Introduced" section of this *Update*.

### JUDICIARY

The Judiciary Committee gave a favorable recommendation to H.3337, which states the Chief Judge of the Administrative Law Judge Division is responsible for the administration of the division, including budgetary matters, assignment of cases, and the administrative duties and responsibilities of the support staff. The bill further provides that each administrative law judge may appoint, hire, contract, and supervise an administrative assistant as individually allotted and authorized in the annual general appropriations act. The other support staff of the division must be hired, contracted, and supervised by the chief judge.



## LABOR, COMMERCE AND INDUSTRY

The House Labor, Commerce and Industry Committee did not meet last week.

## MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee amended and gave a favorable vote to H.3784. This bill rewrites the practice act for physical therapists (PT) to make it conform to the administrative framework established for all boards and commissions administered by the Department of Labor, Licensure and Regulation (LLR). The bill makes the following substantive changes:

1. Increases the number of board members from 5 to 9;
2. Adds a definition for "physical therapy aide" - an unlicensed aide to a physical therapist assistant (PTA);
3. Revises the definition of the term "physical therapy". Current law requires physical therapy services to be administered under the prescription of a licensed medical doctor or dentist. The bill deletes the requirement for a prescription. It also substantially revises the description of what comprises the practice of physical therapy. New elements in the definition include prevention, consultation, education, and advisory services;
4. Prohibits a PT from accepting payment for patient referrals;
5. Requires a PT to refer to a licensed medical doctor or dentist any patient whose medical condition should have been determined at the time of evaluation or treatment to be beyond the scope of practice of a physical therapist or whose medical condition did not improve within 30 days after initial treatment;
6. Updates the qualifying criteria for licensure as a PT; Defines minimum college education requirements;
7. Requires applicants for licensure to submit a PT school transcript with the board application. Also provides an applicant may not be granted a license if he/she has failed the examination three times;
8. Changes annual license renewal to biennial renewal and adds requirements for continuing education as a condition for license renewal (30 hour biennium). Establishes provision for inactive license;
9. Establishes procedures for provisional license for applicants who meet minimum standards;
10. Establishes documentation standards for patients' physical therapy records and makes clear that the supervising physical therapist is responsible for the record;

11. Establishes the role of physical therapy aids, mandates supervision and limits activities for aids;
12. Updates requirements for supervision of physical therapist assistants. Current law requires the patient to be reevaluated and the plan of care re-approved by a physical therapist every eighth treatment. The bill requires a re-evaluation and plan re-approval every eighth treatment or every 60 days, whichever comes first;
13. A provision is added to make it clear that there will be no mandate for payment by health insurance policies for physical therapy services.

The 3M Committee proposed the following amendments to H.3784:

1. Revise the definition of "the practice of physical therapy" to limit the kinds of tests a PT may perform and make it clear that a PT is not authorized to prescribe medications or other medical tests.
2. Revise the powers of the Board of Physical Therapy to limit the board's regulatory power. The bill as introduced authorized the board to promulgate regulations defining and regulating the practice of physical therapy. The amendment authorizes the board to promulgate regulations for the practice of, but not the definition of, physical therapy.
3. Revise the referral requirements for patients who are treated by a physical therapist without an initial referral from another health care provider. The change will require a PT to refer those patients to a licensed medical doctor or dentist if the PT treats the patient for more than thirty days. The bill as introduced would require this type of referral to a doctor or dentist only if the patient's condition did not improve within thirty days.
4. Prohibit a PT from changing patient care instructions of another health care provider without prior consultation with and approval by the health care provider.
5. Specifically establish that nothing in the Physical Therapy Practice Act will restrict, inhibit, or limit the practice of chiropractors, nurse practitioners, physicians assistants, athletic trainers, massage therapists, exercise physiologists, personal trainers, dentist, or medical doctors.
6. Specifically establish that nothing in the Physical Therapy Practice Act will affect the provisions of the Workers' Compensation code.

The full 3M Committee recommitted S.627 to subcommittee. This bill requires the highway Patrol Division and the employer of the off-duty officer to enter into an indemnity agreement when a commissioned trooper or officer is performing a private job during off-duty hours.



## WAYS AND MEANS

The full Ways and Means Committee did not meet. Sub-committees met throughout the week to hear agency budget requests and to review agency base budget analysis items.

## BILLS INTRODUCED

### EDUCATION AND PUBLIC WORKS

#### **H.4385 TRAFFIC/CROWD/PEDESTRIAN CONTROL AT ATHLETIC EVENTS** Rep. Kirsh

This bill amends the *SC Code of Laws* so as to provide that if a commissioned trooper is required to provide traffic, crowd, or pedestrian control at an athletic event, the athletic department of the school, college, or university at which the event is held must reimburse the Department of Public Safety for the cost, on an hourly basis, of providing these services.

#### **H.4399 SC PERFORMANCE AND ACCOUNTABILITY STANDARDS FOR SCHOOLS (PASS) ACT** Rep. Wilkins

This bill enacts the "SC Performance and Accountability Standards for Schools (PASS) Act," whose purpose is to create a system of accountability for public education which focuses on equipping students with a strong academic foundation by emphasizing teaching and learning.

The bill creates the Performance and Accountability Standards for Schools Commission (the Commission), composed of fifteen voting members who serve four-year terms: two at-large appointments by the Governor; two Senators appointed by the Senate President *Pro Tempore*; two House members appointed by the Speaker; four non-legislative business and industry members appointed one each by the Governor, President *Pro Tempore* of the Senate, House Speaker, and State Superintendent of Education; four non-legislative public education members appointed one each by the Governor, President *Pro Tempore* of the Senate, Speaker of the House, and State Superintendent of Education; one member representing the Council of Presidents/Independent Colleges and Universities appointed by their chairman. The Commission also includes 3 *ex officio* non-voting members, including the State Superintendent of Education, the Chair of the State Board of Education (the Board) or designee, and the Chair of the Commission on Higher Education or designee. The bill creates the Office of Research and Development to operate within the Commission. This office is responsible for planning, monitoring, reviewing, and evaluating all aspects of the PASS Act and the Education Improvement Act, and the Commission will employ an executive director of the office who will hire staff as necessary to carry out the duties of the office.

The bill directs the Board to adopt specific performance-oriented education standards for math, English/language arts, science, and social studies for kindergarten through twelfth grade, and requires a cyclical review of these standards by academic area to ensure that they are maintaining high expectations for learning and teaching.



The bill directs the Board to develop, select, or adapt a statewide assessment program for grades two through eight; end of course tests for gateway courses in English/language arts, mathematics, science, and social studies for grades nine through twelve; and an exit exam which is linked to the adopted standards. Also the Board is directed to develop, select, or adapt a first and second grade readiness test which is linked to the adopted standards.

The bill requires the State Department of Education (the Department) to provide data - examining student performance by considering their test scores over time, and broken out for specific groups within the total student population - from these assessments to the schools and districts of the State, and the schools and districts are responsible to disseminate this information to parents in a format that will allow parents to understand both the school's and the individual student's performance. The bill requires a review of the assessment after the field test. Other assessment-related requirements and considerations in the bill include: required "norm-referenced" assessment (designed to compare student performance to a nationally representative sample of similar students known as the norm group) to give an accurate portrayal of student achievement in relation to other states; a requirement that high schools offer state-funded PSAT or PLAN tests to each 10th grade student to provide guidance and direction for parents and students as they plan for postsecondary experiences; a requirement that promotion to the next grade in grades two through eight be tied to meeting the composite standard established by the Board, with districts allowed to develop options for retention.

The bill directs that the Commission, working with the Board, establish an annual report card and its format for elementary, middle, and high schools, and for school districts, and directs what must be included in the report card and how and when the report card must be distributed. The bill also establishes a program for recognizing and rewarding schools with high levels of absolute and improved performance.

Assistance for poorly performing schools is provided in the bill with different requirements delineated for schools rated "D" and for schools rated "F." Assistance to these schools includes the creation of a pool of qualified teachers and principals who will be paid an incentive wage for three year contracts placing them in low-performing schools.

The bill requires that the Commission provide for a comprehensive review of professional development to include principal leadership development and teacher staff development. The bill also requires that a subcommittee of the Commission explore alternatives for the development of an on-going public relations/public awareness campaign and issue a report to the Commission of the plan by July 1, 1999.

Chapter 6 of Title 59 of the *SC Code of Laws*, which concerns monitoring implementation of education improvement, is repealed by this bill.

**H.4424 INTERSTATE ADVERTISING FOR CERTAIN VENDORS Rep. Haskins**

This bill provides that any gas, food, or lodging vendor which is open at least sixteen hours a day six days a week may advertise on informational signs on interstate and other highways erected by the Department of Transportation indicating available services at upcoming exits. Any particular day of closing for a vendor must be reflected on the portion of the sign

pertaining to that vendor. The bill also provides that fees charged by the Department of Transportation to the vendors must be uniform throughout the State.

## JUDICIARY

### **H.4395 NATIONAL ADVOCACY CENTER Rep. Harrison**

This bill provides for concurrent state and federal jurisdiction over the National Advocacy Center, a prosecuting attorney training center located in Columbia and leased by the United States of America. The State of South Carolina would reserve concurrent jurisdiction to enforce the criminal and civil laws of this State within the Center, and would reserve the right to serve criminal or civil process within the facility in prosecutions or suits for or on account of crimes committed, rights acquired, or obligations incurred in the State of South Carolina.

### **H.4401 BILL OF RIGHTS FOR CRIME VICTIMS Rep. D. Smith**

Under the provisions of the Victim's Bill of Rights, victims of crime have the right to be reasonably informed when the accused or convicted person is arrested, escapes, or is released from custody (a bill ratifying the amendment to the State Constitution which adds the Victim's Bill of Rights to the South Carolina Constitution is currently on the House Calendar). **H.4401**, a joint resolution proposing an amendment to the State Constitution, would provide the General Assembly with the ability to specifically exclude by law particular misdemeanors or felonies from these notification provisions. The General Assembly would also be authorized by law to further define the term 'victim' to stipulate the specific individuals to whom this provision applies.

### **H.4410 ABOLITION OF COMMON LAW MARRIAGE Rep. Young**

Under the provisions of this bill, common law marriage would be abolished and may not be recognized in this State after December 31, 1999. However, a common law marriage in effect on December 31, 1999, would continue to be valid and would not be affected by this legislation. The act would take effect January 1, 2000.

### **H.4411 SEXUALLY VIOLENT PREDATOR ACT Rep. Meacham**

This legislation creates a commitment procedure for the long-term care and treatment of sexually violent predators. A "sexually violent predator" is defined as a person who has been convicted or charged with a sexually violent offense and who suffers from a mental abnormality or personality disorder which makes the person likely to engage in the predatory acts of sexual violence if the person is not confined in a secure facility.

The bill defines certain crimes as "sexually violent offenses," including criminal sexual conduct (first or second degree), assault with intent to commit criminal sexual conduct (first or second degree), engaging a child for sexual performance, accessory before the fact to commit an offense enumerated in the bill, or attempting to commit an offense enumerated in the bill.

Under the provisions of the bill, when a person has been convicted of a sexually violent offense, the agency with jurisdiction (for example, the Department of Corrections) must give notice to the Attorney General and a multidisciplinary team established by the director of the



Department of Corrections 90 days before the anticipated release from total confinement. The team will assess whether or not the person meets the definition of a sexually violent predator and notify the Attorney General of its assessment. The Attorney General must appoint a prosecutor's review committee to assist in the determination of whether or not the person meets the definition of a sexually violent predator. If the committee determines a person is a sexually violent predator, the Attorney General may submit a petition in court containing that allegation.

If a judge determines the person is a sexually violent predator, he must have the person detained in custody. Within 72 hours, the person must be afforded an opportunity to appear in person at a hearing to contest the allegation. The person has the right to be represented by counsel, present evidence, and cross-examine witnesses. If the court finds there is probable cause to believe the person is a sexually violent predator, the person must be transferred to a secure facility (such as a county jail) for an evaluation as to whether the person is a sexually violent predator.

Within 60 days of the above-referenced hearing, the court must conduct a trial to determine whether the person is a sexually violent predator. The person is entitled to the assistance of counsel and may be examined by a qualified expert of the person's own choice. The person, the Attorney General, or the judge has the right to demand a trial by jury (such demand must be made at least four days before trial).

The court or the jury then determines whether, beyond a reasonable doubt, the person is a sexually violent predator (a jury determination must be made unanimously). If such a determination is made, the person must be committed to the custody of the Department of Mental Health (DMH) for control, care, and treatment until he is safe to be at large.

A person committed as a sexually violent predator must be examined yearly, and the court must conduct an annual review of the status of the committed person. The DMH director may authorize the person's petition for release, or the person may petition the court for discharge over the DMH director's objection (the committed person has the right to have an attorney represent him at this hearing but the person is not permitted to be present at the hearing). If the court determines that probable cause exists to believe the person is safe to be at large and will not engage in acts of sexual violence if discharged, then a hearing must be held on the issue. At the hearing, the committed person is entitled to be present, and the burden of proof is upon the State to prove beyond a reasonable doubt that the committed person's mental abnormality or personality disorder remains such that the person is not safe to be at large.

#### **H.4419 FELONY CRIME OF ASSISTING SUICIDE Rep. Haskins**

This bill provides that a person who assists another person in committing suicide is guilty of a felony and, upon conviction, must be imprisoned not more than fifteen years or fined not more than one hundred thousand dollars or both. A licensed health care professional would not violate the provisions of the bill if he administers, prescribes, or dispenses medications or procedures to relieve another person's pain or if he withholds or withdraws a life-sustaining procedure.

The bill states that injunctive relief may be sought against a person who is reasonably believed to be about to violate the prohibition against assisting suicide by a person who is the spouse,

parent, child, or sibling of the person who would commit suicide; entitled to inherit from the person who would commit suicide; a health care provider of the person who would commit suicide; or a public official with appropriate jurisdiction to enforce the laws of this State. A person listed above, or the person who would have committed suicide, in the case of an attempt, may bring an action against a person who violates or attempts to violate the prohibition against assisting suicide for compensatory damages and punitive damages.

**H.4421 PREREQUISITES FOR PERFORMANCE OF ABORTION Rep. Haskins**

Before an abortion may be performed in South Carolina, the woman must be presented with a written form containing the following statement: "You have the right to review printed materials prepared by the State of South Carolina which describe fetal development, list agencies which offer alternatives to abortion, and describe medical assistance benefits which may be available for prenatal care, childbirth, and neonatal care."

This bill would add the following information to the statement: "Research indicates that there is a possible correlation between a first pregnancy abortion and an increased incidence of breast cancer. For further information, you should contact your physician."

**S.490 PRISONS/PROBATION, PAROLE AND PARDON SERVICES Sen. Thomas**

Current law provides that money found in the unlawful possession of a prisoner confined in an institution under control of the Department of Corrections must be deposited in the welfare fund of the institution in which the prisoner is confined. This bill states such contraband must be deposited in a fund used to aid drug interdiction efforts undertaken by the department.

Under current law, a prisoner who has observed all the rules of the institution and who has not been punished for misbehavior is afforded a deduction from the term of his sentence, computed at the rate of twenty days for each month served. This bill provides that a prisoner serving time in an administrative segregation unit of an institution or in the maximum security unit of the department as a result of his own misconduct, and a prisoner who commits an offense or is found guilty of a serious or of repetitive rule violations may not be entitled to the credit. When two or more consecutive sentences are to be served, the aggregate of the several sentences is the basis upon which the good conduct credit is computed.

The bill also states that the Youthful Offender Division of the Department of Corrections may refer to the South Carolina Board of Probation, Parole and Pardon Services the name of a committed youthful offender for conditional release under supervision. The board, by a majority vote or a three-member panel of the board by a unanimous vote, may conditionally release or unconditionally discharge a youthful offender. An administrative hearing officer may be appointed by the Director of the Department of Probation, Parole and Pardon Services to review the youthful offender's case and submit to the board or a three-member panel written findings of fact and recommendations which must be the basis for a determination by the board or the three-member panel of the board.

The bill also substitutes the South Carolina Board of Probation, Parole and Pardon Services in place of the Youthful Offender Division (within the Department of Corrections) as the discharge authority for youthful offenders sentenced indefinitely to the Youthful Offender Division. For example, this bill states that the board, rather than the division, may discharge a committed



youthful offender unconditionally at the expiration of one year from the date of conditional release.

**S.810 DIRECTOR OF PUBLIC SAFETY Sen. Holland**

S.C. Code Section 1-3-210 states that a vacancy occurring in an office appointed by the Governor with the advice and consent of the Senate, during the Senate recess, may be filled by an interim appointment of the Governor. The Governor must report the interim appointment to the Senate and must forward a formal appointment at its next ensuing regular session. If the Senate fails to consent to the appointment before the adjournment of the next regular session, the office must remain vacant and the interim appointment is prohibited from serving in hold-over status. A different interim appointment (made by the Governor because of the Senate's failure to grant confirmation to the original interim appointment) expires on the second Tuesday in January following the date of the subsequent interim appointment.

This bill states that, notwithstanding those provisions of state law, the Governor may resubmit the name of his acting interim appointee, as published in the Senate Journal on February 25, 1997, for the office of Director of the Department of Public Safety if the Senate fails to confirm the interim appointee prior to the General Assembly adjourning, *sine die*. The acting interim appointee may continue to serve until February 1, 1998, at which time the office shall be vacant if the appointee is not confirmed (and the provisions of Section 1-3-210 shall then apply).

**H.4412 WAIVER OF APPEARANCE IN COURT Rep. Kelley**

A person charged with a noncapital offense may, at his appearance in court, be released pending trial on his own recognizance without surety in an amount specified by the court. Under the provisions of the bill, a person charged with an offense triable in magistrate's court or municipal court may waive his appearance before the court and post a bond in an amount that has been approved previously by the court for the charged offense. The bill stipulates that this provision does not limit the State's right to demand a full bond hearing before a judicial officer.

**H.4413 DEPARTMENT OF NATURAL RESOURCES SUMMONS Rep. Witherspoon**

Enforcement officers of the Department of Natural Resource (DNR) use an official summons for violations of certain laws and regulations. This bill would allow other law enforcement officers empowered to enforce state law who are employed by a municipality, county, state, or federal agency, when authorized by the Deputy Director of DNR for law enforcement, to use the official summons. The bill adds indecent exposure, destruction of sea oats, and use of a firearm while under the influence of alcohol or a controlled substance as offenses to which the official summons applies.

A person apprehended by an authorized enforcement officer for any of the offenses listed in the bill, upon being served the summons, may deposit cash as bail with the apprehending officer. This bill states that the official summons serves as a receipt for the sum deposited and gives the respective courts jurisdiction to dispose of the matter. The bill further provides that persons convicted of violations of natural resources and watercraft laws must pay all fines or restitutions as ordered by the court in order to apply for or hold any license, permit, stamp, tag, or registration issued by the department. A person who fails to pay a court-ordered fine or restitution within the time limit set by the court must have all licenses, permits, stamps, tags,

or registrations issued by the department suspended until such fines or restitutions are paid in full. Furthermore, there is no appeal from a suspension for failure to pay a court-ordered amount.

**H.4423 SINE DIE ADJOURNMENT Rep. Harrell**

The regular annual session of the General Assembly adjourns each year on the first Thursday in June. In any year that the House of Representatives fails to give third reading to the annual General Appropriation Bill by March 31, the date of *sine die* adjournment is extended by one statewide day for each statewide day after March 31 that the House of Representatives fails to give the bill third reading.

Under the provisions of this bill, in any year in which the annual general appropriations act is given third reading before March 31 by the House, the date of *sine die* adjournment is shortened by one statewide day for each statewide day before March 31 that the act is given third reading by the House. The session may be extended by concurrent resolution adopted by a two-thirds vote of both the Senate and House of Representatives.

**LABOR, COMMERCE AND INDUSTRY**

**H.4386 INSURANCE COVERAGE FOR DIABETES OUTPATIENT TRAINING AND EQUIPMENT Rep. J. Brown**

This bill requires all individual and group health insurance policies issued or renewed after July 1, 1998, to provide coverage for diabetes outpatient self-management training and diabetes management equipment and supplies. Private third-party payors may not reduce or eliminate coverage as a result of the requirements of this legislation.

**H.4393 COURT AWARDS FOR UNINSURED MOTORISTS Rep. Kirsh**

This bill prohibits the awarding of damages in favor of an individual who sustained injuries in an accident in which he was operating a vehicle without the required automobile insurance coverage or proper registration as an uninsured motorist.

**S.401 LICENSURE AND REGULATION OF CONTRACTORS Sen. Leventis**

This bill conforms the licensure and regulation of contractors to the uniform statutory organizational framework established for professional and occupational boards. The bill makes various other revisions to current law including: revising threshold project costs which require a licensed contractor; revising qualifying party requirements and responsibilities; revising requirements for financial statements; reducing bidders' license fees; expanding grounds for disciplinary action and sanctions against unlicensed contractors; authorizing examination waivers for certain contractors licensed in other states; providing for the regulation of construction management services; establishing bidding requirements for prime contractors; revising licensing subclassifications; providing criteria for owners to obtain building permits; and providing licensure exemptions.



**H.4408 UNWANTED MAILINGS Rep. Meacham**

This bill requires all catalogues, brochures, leaflets, flyers, and other types of mailed advertisements to provide a clear and conspicuous statement explaining how the recipient can request that the mailing no longer be sent to him. A refusal to comply with the recipient's request is classified as an unfair or deceptive commercial act. When the Attorney General finds that a first violation has occurred, he may issue the violator a warning to cease and desist. When the Attorney General finds a second violation, he may take action to enforce the provision.

**H.4426 SEXUALLY ORIENTED CABLE CHANNELS Rep. Haskins**

This bill requires cable television companies to blacken the screen and eliminate all sound for all channels that are sexually oriented and contain adult language and content in the case of all customers who do not subscribe to these channels. A company which fails to comply with these requirements forfeits its franchise license.

**MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS**

**H.4425 CHILD DAY CARE CENTERS Rep. Haskins**

This bill amends the laws governing child day care centers and group day care homes. The Department of Social Services (DSS) is authorized to issue a statement of registration to religious child day care centers and group day care homes upon completion of the registration process. Before a statement of registration is granted, DSS must conduct an investigation which is limited to (1) the results of a criminal history check of the director, and (2) the facility's compliance with registration, inspection, health and safety, floor space, child-staff ratio, and staff training regulations. Registration statements must be renewed every two years. Health and safety inspections must be conducted by a state agency before a statement of registration can be renewed.

The bill also requires all child day care centers and group day care homes to display their statement of registration or license number on any advertisement of the facility.

**WAYS AND MEANS**

**H.4388 LOANS, GRANTS, SCHOLARSHIPS/SELECTIVE SERVICE  
STATUS STATEMENT Rep. Witherspoon**

This bill provides that an individual may not receive a loan, grant, scholarship, or other financial assistance funded by state revenue, including federal funds, gifts, or grants accepted by South Carolina, or receive a student loan guaranteed by the State, unless the individual files a statement certifying his or her selective service status with the institution or other entity granting or guaranteeing the financial assistance. If an individual has already filed a statement with such an entity indicating that he or she is registered with the selective service system as required by law, the individual is not required to file such a statement the next time he or she applies to the same entity for financial assistance or a loan guarantee. If an individual files a statement indicating that he or she is not required to register with the selective service system,

the entity must require the individual to file a new statement of selective service status the next time the individual applies to the entity for financial assistance or a student loan guarantee. These provisions do not apply to females (if females are not subject to general selective service registration under federal law) or to individuals older than the maximum age required to be registered with the selective service system.

The bill also requires the Commission on Higher Education, in conjunction with the State Board for Technical and Comprehensive Education, to promulgate regulations to implement and administer these provisions. (NOTE: This bill was inadvertently left off the list of prefiled bills which were summarized in last week's *Legislative Update*.)

**H.4394 PROPERTY TAX EXEMPTION FOR CERTAIN MOTOR VEHICLES,  
MOTORCYCLES, AND TRUCKS Rep. Kirsh**

This bill provides an *ad valorem* property tax exemption, phased in over ten years, for private passenger motor vehicles, motor cycles or motor-driven cycles, and trucks with an empty weight of not more than five thousand pounds. The exemption would begin in June 1998 with an exemption amount of ten percent of the fair market value of the vehicle, and would increase an additional ten percent per year until the exemption reaches 100% of the fair market value of the vehicle in June, 2007. The exemption provided in the bill does not include private passenger cars, motorcycles, motor-driven cycles, or trucks used in a trade or business. The exemption allowed cannot reduce fair market value below the minimum assessed value provided under current law until the exemption percentage equals 100%. Thereafter, no minimum assessment applies.

The bill provides that property taxing entities must be reimbursed for taxes not collected because of this exemption in the manner provided under current law, except that the reimbursement must be paid not less than monthly and in advance and in a manner that substantially matches the stream of revenue that would be generated if the exempt portion of the property's value were fully taxable. H.4394 also provides that property exempted for property taxation as provided in this bill is considered taxable property for purposes of bonded indebtedness and for purposes of computing the index of taxpaying ability pursuant to current law.

**H.4409 CHEROKEE AND SPARTANBURG COUNTY DEVELOPMENT -  
RANKING AND DESIGNATION Rep. Littlejohn**

This bill adds the portions of Cherokee and Spartanburg County located in House District 33 to those counties with a combination of the highest unemployment rate and lowest per capita income which are designated "least developed," for purposes of determining benefits available to businesses locating there.

**H.4420 STATE FUNDING TO ENTITIES THAT PERFORM ABORTIONS Rep. Haskins**

This bill prohibits state funding to any institution, agency, or organization, public or private, that promotes, provides, or refers for abortion. The provisions of the bill do not apply to an institution, agency, or organization if the only abortions performed are those necessary to save the life of a mother whose life is endangered by a physical disorder, a physical illness, or a physical injury if no other medical procedure would suffice to save her life.



**H.4422 STATE FUNDING TO ENTITIES THAT PERFORM ABORTIONS** Rep. Davenport

This bill prohibits state funding to any institution, agency, or organization, public or private, that promotes, provides, or refers for abortion. The provisions of the bill do not apply to an institution, agency, or organization if the only abortions performed are those necessary to save the life of a mother whose life is endangered by a physical disorder, a physical illness, or a physical injury if no other medical procedure would suffice to save her life.

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